

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re ☒ TRADEMARK APPLICATION

Agen Biomedical Limited

Serial No.: 76/609,492

Filed: August 31, 2004

Reg. No.

Dated:

Mark: AGEN and Design

**BOX TTAB****FEE**

Commissioner for Trademarks

P.O. Box 1451

Alexandria, Virginia 22313-1451

Sir:

☐ TRADEMARK REGISTRATION

Class(es): 5, 10, 42

Examiner: Aretha Somerville

Our Account No. 14-1140

Our Reference: 181-164

**TTAB**

Date: March 20, 2006

The document indicated below is attached for filing and is incorporated by reference. Fees are attached as calculated below:

<input type="checkbox"/> <b>BASED ON INTENT-TO-USE:</b> TRADEMARK Application in	class(es) (\$375.00 (6001) per class)	\$	0.00
<input type="checkbox"/> <b>BASED ON USE:</b> TRADEMARK Application in 0 class(es) (\$375.00) (6001) with 0 specimen(s)	(one specimen per class)	\$	0.00
<input type="checkbox"/> Request to Divide Trademark Application.	(\$100) (6006)	\$	0.00
<input type="checkbox"/> TRADEMARK Application in	class(es) (\$375.00) (6001) claiming priority under 15 U.S.C. 1126(d)	\$	0.00
<input type="checkbox"/> TRADEMARK Application in 0 class(es) (\$375.00) (6001) based on foreign registration under 15 U.S.C. 1126(e)		\$	0.00
<input type="checkbox"/> Response to Official Action of	; <input type="checkbox"/> 0 new class(es) after response (\$375.00 per class) (6001)	\$	0.00
<input type="checkbox"/> Allegation of Use (under Sec. 1051(c)) (\$100.00 per class) (6002) in 0 class(es) with 0 specimen(s)		\$	0.00
<input type="checkbox"/> Allegation of Use (under Section 1051(d)) (\$100.00 per class) (6003) in 0 class(es), together with 0 specimen(s)		\$	0.00
<input type="checkbox"/> Request for an Extension of Time to File Statement of Use (\$150.00 per class) (6004) in	class(es)	\$	0.00
<input checked="" type="checkbox"/> Notice of Appeal in 1 class(es) (\$100.00 per class) (6403)		\$	100.00
<input type="checkbox"/> Declaration Of Use Under Section 8 in 0 class(es) (\$100.00 per class) (6205)		\$	0.00
<input type="checkbox"/> LATE FEE FOR SECTION 8 (\$ 100.00 per class) in 0 class(es) (6206)		\$	0.00
<input type="checkbox"/> Declaration Of Use Under Section 15 in 0 class(es) (\$200.00 per class) (6208)		\$	0.00
<input type="checkbox"/> Combined Declaration of Use Under Sections 8&15 in 0 class(es) (\$300.00 per class) (6205 and 6208)	Above 8 and/or 15 with 0 specimen(s) (one per class)	\$	0.00
<input type="checkbox"/> LATE FEE FOR COMBINED SECTION 8&15 (\$ 100.00 (6206) per class) in 0 class(es)		\$	0.00
<input type="checkbox"/> Combined Declaration Under Sections 8 & 9 for Renewal application in 0 class(es) (\$500.00) (\$400.00	(6201) per class for renewal and \$100.00 (6205) per class for Section 8 Decl.) with 0 specimen(s) (one per class)	\$	0.00
<input type="checkbox"/> LATE FEE FOR COMBINED SECTION 8 & 9 (\$100.00 (6203) per class/\$100.00 (6206)fee per Section =	\$200.00 (6206)) in 0 class(es)	\$	0.00
<input type="checkbox"/> Assignment to be recorded against 0 mark at \$40.00 (8521) (and 0 additional marks at \$25.00 (8522))		\$	0.00
<input type="checkbox"/> Petition to Revive \$100 (6005)		\$	
<input type="checkbox"/> Other:			

**TOTAL \$ 100.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

NIXON &amp; VANDERHYE P.C.

901 North Glebe Road, 11th Floor

Arlington, Virginia 22203-1808

Telephone: (703) 816-4009

Facsimile: (703) 816-4100

DMB:lfo

By Atty: Duane M. Byers

Signature: 

03-20-2006

U.S. Patent &amp; TMO/TM Mail Rcpt Dt. #72

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Law Office: 107  
Serial No.: 76/609,492  
Mark: AGEN and Design

In re Trademark Application of Agen Biomedical Limited

Mark: AGEN and Design

Filed: August 31, 2004

Our Atty. Ref.: 181-164

USPTO Attorney: Aretha Somerville

\* \* \* \* \*

March 20, 2006

Box TTAB  
FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF APPEAL**

Applicant hereby appeals to the U.S. Trademark Trial and Appeal Board from any adverse action to Applicant's Class 10 Amendment filed today in response to the final Office Action dated October 3, 2005. This Appeal only covers Class 10 because all other classes and issues have been resolved in prior actions.

If there is no adverse action in response to the Class 10 Amendment, and this case is approved by the examining attorney, then applicant agrees to withdraw this Notice of Appeal because it will be moot, and requests the refund of the Notice of Appeal fee.

The requisite filing fee is submitted herewith.

03/23/2006 6THMAS2 00000059 76609492  
01 FC:6403 100.00 0P

Agen Biomedical Limited  
Serial No. 76/615,718

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Duane M. Byers

DMB:lfo  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100